

## Message Text

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PAGE 01 DACCA 05351 01 OF 02 301122Z  
ACTION NEA-10

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C O N F I D E N T I A L USE SECTION 1 OF 2 DACCA 5351

E.O. 11652: N/A  
TAGS: SHUM, BG  
SUBJ: 1978 REPORT ON HUMAN RIGHTS PRACTICES IN BANGLADESH

REF: (A) STATE 207310; (B) STATE 213464; (C) STATE 024585

1. FOLLOWING ARE EMBASSY'S COMMENTS ON HUMAN RIGHTS DEVELOPMENTS IN BD DURING 1978, KEYED TO FORMAT GIVEN REF B.

2. ADD TO INTRODUCTION (PARA 3 REFTEL B): QUOTE.  
IN A NATION-WIDE CONTESTED AND GENERALLY FAIR ELECTION ON JUNE 3, 1978 IN WHICH VOTER TURNOUT WAS 53 PCT, ZIA WAS ELECTED PRESIDENT BY A MAJORITY OF 77 PERCENT. UNQUOTE.

3. RESPECT FOR THE INTEGRITY OF THE PERSON, INCLUDING FREEDOM FROM CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT. THE BDG HAS ANNOUNCED THE RELEASE OF 1375 PRISONERS DURING 1978, OF WHICH 443 WERE IDENTIFIED AS POLITICAL DETAINEES (WHICH IT DEFINES AS PERSONS HELD WITHOUT TRIAL). EACH OF THESE ANNOUNCEMENTS HAS COINCIDED WITH A SIGNIFICANT NATIONAL HOLIDAY, AND IN KEEPING WITH THIS, WE ANTICIPATE THAT MORE WILL BE RELEASED ON THE REMAINING HOLIDAYS OF THE YEAR. PRISONS ARE GENERALLY OVERCROWDED AND RELEASED DETAINEES HAVE COMPLAINED OF INADEQUATE NUTRITION AND MEDICAL ATTENTION. WHILE PRISON CONDITIONS ARE UNDOUBTEDLY UNPLEASANT, THIS OWES MORE TO A LACK OF RESOURCES THAN  
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PAGE 02 DACCA 05351 01 OF 02 301122Z

DELIBERATE NEGLECT.

4. ARBITRARY ARREST OR IMPRISONMENT. AS NOTED PARA 3, 443 OF THE PRISONERS RELEASED ON NATIONAL HOLIDAYS WERE POLITICAL DETAINEES. IN ADDITION TO THESE THERE HAS BEEN A STEADY TRICKLE OF RELEASES THROUGH HABEAS CORPUS PETITIONS TO THE CIVIL COURTS. SEVERAL POLITICAL

FIGURES, INCLUDING TOFAEL AHMED, ABDUR RAZZAK AND MOST RECENTLY PHANI MAJUMDAR (MINISTER OF LOCAL GOVERNMENT, RURAL DEVELOPMENT AND COOPERATIVES UNDER MUJIB) HAVE OBTAINED THEIR FREEDOM IN THIS MANNER. TAKING INTO ACCOUNT THE MOST RECENT ANNOUNCEMENT OF RELEASES ON JULY 21, WE ESTIMATE THE NUMBER OF PERSONS HELD WITHOUT TRIAL TO BE BETWEEN 800 AND 900.

5. THE DIFFERENCE BETWEEN THIS FIGURE AND THE ESTIMATE OF 10,000 TO 15,000 POLITICAL PRISONERS GIVEN IN AMNESTY INTERNATIONAL'S ANNUAL REPORT IS DUE TO DIFFERING DEFINITIONS OF "POLITICAL PRISONER". AMNESTY INTERNATIONAL HAS APPARENTLY ARRIVED AT ITS FIGURE ON THE BASIS THAT ALL PRISONERS HELD AND TRIED UNDER EMERGENCY LEGISLATION AND MARTIAL LAW REGULATIONS ARE POLITICAL PRISONERS. MUCH OF THIS BODY OF LAW ADDRESSES CRIMES WHICH ARE NOT POLITICAL IN NATURE, SUCH AS MURDER, CORRUPTION, HOARDING AND SMUGGLING AND WAS DESIGNED TO PROVIDE QUICK JUSTICE IN AN UNRULY COUNTRY. TO JUDGE HOW MANY OF THESE, IF ANY, MAY HAVE BEEN CONVICTED ON A POLITICAL BASIS WOULD REQUIRE A REVIEW OF TRIAL AND JAIL RECORDS WHICH WOULD STILL LEAVE THE REVIEWER'S JUDGEMENT OPEN TO CHALLENGE. WE DO NOT THINK IT CORRECT TO ASSUME THAT PERSONS HELD UNDER EMERGENCY AND MARTIAL LAW RULES ARE BY VIRTUE OF THE FACT POLITICAL PRISONERS.

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PAGE 03 DACCA 05351 01 OF 02 301122Z

6. DENIAL OF FAIR PUBLIC TRIAL. THE MARTIAL LAW COURTS CONTINUE TO FUNCTION ALONGSIDE THE CIVIL COURT SYSTEM, BUT DURING THE PAST YEAR THE TREND HAS BEEN TOWARD MORE LIBERAL PROCEDURES IN TRIALS UNDER ML. THE GOVERNMENT STATES THAT WITH THE EXCEPTION OF PERSONS CHARGED WITH MURDER, MOST OF THOSE CHARGED ARE RELEASED ON BAIL. A NUMBER OF ML TRIALS HAVE BEEN OPEN TO THE PUBLIC; A RECENT MURDER TRIAL BEFORE AN ML PANEL WAS EXTENSIVELY REPORTED IN BOTH THE ENGLISH AND BANGLA PRESS. WE ARE TOLD THAT ML COURTS, BECAUSE THEY MAY TRY CASES BEFORE ALL PERSONS CHARGED IN A CASE HAVE BEEN APPREHENDED, ARE SPEEDING DISPOSITION OF PENDING CASES AND THEREFORE REDUCING THE NUMBER OF PERSONS HELD IN JAIL PENDING TRIAL. ALTHOUGH NO FIRM COMMITMENT TO END MARTIAL LAW HAS BEEN MADE, IT IS GENERALLY ACCEPTED THAT AFTER PARLIAMENTARY ELECTIONS ARE HELD AND PARLIAMENT BEGINS TO FUNCTION, THE REMAINING MARTIAL LAW FUNCTIONS INCLUDING MARTIAL LAW COURTS WILL CEASE.

7. GOVERNMENT POLICIES RELATING TO THE FULFILLMENT OF SUCH VITAL NEEDS AS FOOD, SHELTER, HEALTH CARE AND EDUCATION. THE GOVERNMENT OF BANGLADESH IS COM-

MITTED TO IMPROVING THE LOT OF ITS PREDOMINANTLY RURAL  
MASSES, WHO ARE AMONG THE WORLD'S POOREST PEOPLE, WITH  
A STRATEGY WHICH EMPHASIZES AGRICULTURE AND RURAL  
DEVELOPMENT RATHER THAN URBAN, INDUSTRIAL GROWTH.  
THROUGH THIS APPROACH IT ALSO HOPES TO ALLEVIATE  
INEQUITIES IN DISTRIBUTION OF INCOME. THESE INEQUITIES  
REFLECT THE BASIC STRUCTURE OF BANGLADESH SOCIETY:  
A SMALL URBAN MIDDLE CLASS, A LARGER GROUP OF SMALL  
FARMERS WHO EARN A MODEST SURPLUS AND A GROWING MASS OF  
MARGINAL FARMERS AND LANDLESS LABORERS.

8. INCREASED FOOD PRODUCTION IS CENTRAL TO THE GOVERN-  
MENT'S RURAL DEVELOPMENT STRATEGY. BY MAKING LOW-COST  
FERTILIZER, LABOR INTENSIVE HIGH-YIELD SEEDS, IRRIGATION  
CONFIDENTIAL

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PAGE 04 DACCA 05351 01 OF 02 301122Z

AND CREDIT MORE WIDELY AVAILABLE, THE GOVERNMENT HOPES  
TO ACHIEVE SELF-SUFFICIENCY IN FOODGRAIN AND RAISE THE  
INCOME OF ALL CULTIVATORS, INCLUDING MARGINAL FARMERS  
AND SHARECROPPERS. THIS POLICY IS ALSO DESIGNED TO CREATE  
NEW JOBS FOR THE LANDLESS POOR IN AGRICULTURE AND TO  
GENERATE NEW LABOR-INTENSIVE GROWTH SECTORS SUCH AS  
SMALL RURAL INDUSTRY. EXTENSIVE RURAL PUBLIC WORKS,  
INCLUDING FOOD FOR WORK PROGRAMS, ARE ANOTHER ELEMENT  
OF THIS RURAL DEVELOPMENT POLICY.

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PAGE 01 DACCA 05351 02 OF 02 301133Z  
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C O N F I D E N T I A L USE SECTION 2 OF 2 DACCA 5351

9. THE ALLOCATION OF INCREASING RESOURCES TO RURAL  
DEVELOPMENT IS ONE MEASURE OF THE GOVERNMENT'S COMMIT-

MENT TO IMPROVING THE WELFARE OF THE POOR. IN THE FY 1978/79 BUDGET 17 PERCENT OF ALL EXPENDITURES WILL BE FOR AGRICULTURE, RURAL DEVELOPMENT, FLOOD CONTROL AND WATER RESOURCES, COMPARED TO 11 PERCENT IN FY 1977/78. ALSO THE GOVERNMENT HAS ADOPTED NEW POLICIES TO MAINTAIN INCENTIVE PRICES FOR FARMERS DURING HARVESTS, WHEN PRICES TRADITIONALLY DROP, AND TO MINIMIZE PRICE INCREASES DURING PRE-HARVEST LEAN SEASONS. THESE MEASURES ARE EXPECTED TO BENEFIT POOR FARMERS AND CONSUMERS WHO IN THE PAST HAVE SUFFERED MOST FROM SEASONAL PRICE FLUCTUATIONS. INCREASED ALLOCATIONS OF SUBSIDIZED FOODGRAIN TO THE POOREST CLASSES ELIGIBLE FOR THE PUBLIC RATION SYSTEM ARE ANOTHER NEW BENEFIT FOR THE POOR. THE GOVERNMENT IS ALSO ATTEMPTING TO STRENGTHEN ITS FAMILY PLANNING EFFORTS, WHICH ESPECIALLY BENEFIT THE RURAL POOR, AND IT RECENTLY ANNOUNCED A MAJOR PROGRAM FOR A SYSTEM OF RURAL MEDICS TO OVERCOME SERIOUS DEFICIENCIES IN RURAL HEALTH CARE.

10. THESE NEW BUDGET AND POLICY MEASURES REPRESENT PROGRESS FOR BANGLADESH'S POOR MAJORITY. NEVERTHELESS SERIOUS INEQUITIES IN DISTRIBUTION OF INCOME AND RESOURCES REMAIN. FOR EXAMPLE, URBAN DWELLERS WHO ARE GENERALLY BETTER OFF AND MORE POLITICALLY ARTICULATE  
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PAGE 02     DACCA 05351 02 OF 02 301133Z

THAN RURAL BANGLADESHIS, HAVE GREATER ACCESS TO SUBSIDIZED FOOD UNDER THE RATION SYSTEM THAN THE RURAL POOR. BUDGET ALLOCATIONS FOR STATE INDUSTRIES, HIGHER EDUCATION, URBAN HEALTH, UTILITIES AND OTHER SERVICES, AND HIGHER WAGES PAID TO ORGANIZED LABOR AND PUBLIC EMPLOYEE ALSO CONFER DISPROPORTIONATE BENEFITS ON THE URBAN CLASSES. IN THE COUNTRYSIDE LARGER FARMERS HAVE MORE OPPORTUNITIES TO OBTAIN FERTILIZER, CREDIT, WATER AND OTHER PRODUCTION INPUTS THAN MARGINAL FARMERS OR SHARECROPPERS.

11. IN ADDRESSING THESE INEQUITIES AND THE IMMENSE NEEDS OF THE POOR, THE GOVERNMENT OF BANGLADESH REJECTS A POLICY OF RAPID REDISTRIBUTION OF EXISTING WEALTH. BECAUSE OF BANGLADESH'S LIMITED RESOURCES, WEAK ECONOMIC INSTITUTIONS AND LOW PRODUCTIVITY THERE IS LITTLE WEALTH TO REDISTRIBUTE. ALSO, IN A MIXED ECONOMY, INCENTIVES MUST BE MAINTAINED FOR SAVINGS AND INVESTMENT. INSTEAD, THE GOVERNMENT PURSUES A STRATEGY WHICH IS HOPES WILL PROMOTE ECONOMIC GROWTH AND SIMULTANEOUSLY INCREASE EQUITY BY CREATING EMPLOYMENT AND BRINGING MORE POOR PEOPLE INTO THE PROCESS OF PRODUCTION. BANGLADESH'S ECONOMIC PLANNERS RECOGNIZE THAT DEVELOPMENT FOR THE POOR MAJORITY IS ESSENTIAL TO CREATE A BASIS FOR GROWTH.

EVOLUTION OF THE CURRENT POLITICAL PROCESS TOWARD  
INCREASED POPULAR PARTICIPATION SHOULD ADVANCE THIS  
PROCESS.

12. RESPECT FOR CIVIL AND POLITICAL LIBERTIES,  
INCLUDING FREEDOM OF THOUGHT, SPEECH, PRESS, RELIGION  
AND ASSEMBLY. BEGINNING WITH THE PRESIDENTIAL CAMPAIGN  
MOST RESTRICTIONS ON POLITICAL ACTIVITY HAVE BEEN  
LIFTED AND AS A RESULT THE POLITICAL SCENE  
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PAGE 03 DACCA 05351 02 OF 02 301133Z

IN BANGLADESH HAS RESUMED MUCH OF ITS FORMER LOQUACITY.  
THE ONLY TRADITIONAL POLITICAL ACTIVITY WHICH REMAINS  
BANNED IS THE PROCESSION. THE GOVERNMENT HAS NOT  
INTERFERED WITH PUBLIC MEETINGS CALLED BY OPPOSITION  
PARTIES NOR HAS IT MOVED AGAINST GROUPS WHICH HAVE  
CRITICIZED GOVERNMENT POLICIES. IN RECENT MONTHS ARTICLES  
AND EDITORIALS BROADLY CRITICAL OF GOVERNMENT POLICIES  
HAVE APPEARED IN THE PRESS (MOST RECENTLY AND NOTABLY  
CONCERNING THE PEACE CORPS AGREEMENT WITH THE U.S.).

13. THE BAN ON STRIKES REMAINS IN EFFECT BUT NO PUNITIVE  
ACTION WAS TAKEN WHEN VARIOUS GROUPS OF PUBLIC SECTOR  
EMPLOYEES ENGAGED IN "PEN DOWN" STRIKES  
EARLIER THIS YEAR. THE GOVERNMENT HAS REPEATEDLY  
PROMISED A NEW LABOR POLICY PROVIDING FOR THE FULL RANGE  
OF UNION ACTIVITY, BUT THIS HAS NOT YET BEEN ISSUED.

14. THOUGH "SECULARISM" HAS BEEN ELIMINTATED AS A  
STATE GOAL UNDER THE CONSITITION THERE HAVE BEEN NO  
INDICATIONS OF GOVERNMENT INFRINGEMENT OF THE RIGHTS OF  
MINORITY RELIGIOUS COMMUNITIES. IN INAUGURATING A HINDU  
RELIGIOUS CONFERENCE IN MARCH, PRESIDENT ZIA TOOK THE  
OCCASION TO REASSURE THE COUNTRY'S RELIGIOUS MINORITIES  
THAT THEIR RIGHTS AS CITIZENS OF BANGLADESH WOULD BE  
RESPECTED BY THE GOVENMENT.

15. FREEDOM TO PARTICIPATE IN THE POLITICAL PROCESS.  
WITH THE JATIYA SAMAJTANTRIK DAL'S (JSD) REINSTATEMENT  
AS A POLITICAL PARTY PERMITTED TO OPERATE UNDER THE  
POLITICAL PARTIES REGULATION (PPR) THERE ARE NOW 20  
ACTIVE POLITICAL PARTIES IN BANGLADESH. THE DEMOCRATIC  
LEAGUE AND THE COMMUNIST PARTY OF BANGLADESH ARE STILL  
BANNED ALTHOUGH THE LEADER OF THE LATTER, MONI SINGH,  
HAS BEEN RELEASED FROM JAIL AND HAS SINCE SPOKEN AT PUBLIC  
POLITICAL GATHERINGS. THE POLITICAL PARTIES REGULATION  
REMAINS IN EFFECT AND WILL PROBABLY CONTINUE TO THROUGH  
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PAGE 04 DACCA 05351 02 OF 02 301133Z

THE PARLIAMENTARY ELECTIONS, THOUGH MOST OF THE RESTRICTIONS IT ONCE IMPOSED ON BD POLITICS WERE RELAXED FOR THE PRESIDENTIAL ELECTION. AT PRESENT THE CHIEF REMAINING CONTROL OF POLITICAL ACTIVITY IS THE REQUIREMENT THAT PROSPECTIVE PARTIES MUST BE APPROVED BY THE GOVERNMENT BEFORE THEY MAY BEGIN OPEN POLITICKING.

16. GENERAL COMMENT: DURING 1978 THE ZIA GOVERNMENT HAS MADE SIGNIFICANT PROGRESS TOWARD THE COMMITMENTS IT HAS MADE TO RESTORE AN OPEN POLITICAL ATMOSPHERE IN THE COUNTRY AND PROCEED WITH ECONOMIC DEVELOPMENT. WE BELIEVE THAT THE NUMBER OF POLITICAL PRISONERS HAS BEEN CUT TO LESS THAN HALF OF WHAT IT WAS, AND THOSE RELEASED DURING THE YEAR HAS INCLUDED SOME VOCAL OPPONENTS OF THE GOVERNMENT. THE JUNE PRESIDENTIAL ELECTION WAS PERCEIVED TO HAVE BEEN FAIR FOR THE MOST PART (THOUGH THE BREVITY OF THE CAMPAIGN WORKED AGAINST ALL BUT THE FRONTRUNNER). PARLIAMENTARY ELECTIONS ARE STILL TARGETTED FOR DECEMBER AND THERE ARE NO INDICATIONS THAT THE GOVERNMENT WILL NOT HONOR THE LONGSTANDING COMMITMENT TO HOLD SUCH ELECTIONS. WHILE THE MARTIAL LAW APPARATUS IS STILL IN PLACE IT HAS BEEN CURTAILED. IN THE LESS EASILY AMELIORATED AREA OF ECONOMIC RIGHTS, THE GOVERNMENT HAS COMMITTED ITSELF IN ITS AGREEMENTS WITH DONOR COUNTRIES, AND THE U.S. IN PARTICULAR, TO ADDRESS THE NEEDS OF ITS POOREST CITIZENS.  
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